IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO: 13661 of 1999

Between:

1. APSRTC, Musheerabad, Hyderabad, rep. by it's Managing Director.

2. The Regional Manager, APSRTC, Rajahmundry, East Godavari District.

... PETITIONERS

AND

1. State Transport Appellate Tribunal, AP Hyderabad rep. by its Presiding Officer.
2. The Regional Transport Authority, East Godavari at Kakinada, rep. by its Secretary.
3. K. Srinivas, S/o Gowda Rao, Door No.65-9-2, Ashok Nagar, Kakinada, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction especially in the nature of a writ of Certiorari, calling for the records relating to the impugned order dated 26-02-1999 made in A.P.No.12/99, STAT, AP, Hyderabad, setting aside the order in Rc.No.1736/A1/96, dated 18.4.1988 (wrongly mentioning the date as 11.3.1997) of the RTA, East Godavari District at Kakinada and directing issue of stage carriage permit to the 3rd respondent to ply as town service on the route, Santhinivas Lodge, Kakinada to Gandhi Statue, Samalkota; and quash the same as being illegal, without jurisdiction and invalid, and pass other and further orders to meet the ends of justice.

For the Petitioner: MR.K.HARINATH, Advocate

For the Respondent No.: GP FOR TRANSPORT

The Court Made the Following Order:

ORDER:

The Andhra Pradesh State Road Transport Corporation has obtained a rule from this Court calling upon the respondents to show cause why a Writ in the nature of Certiorari cannot be issued under Article 226 of the Constitution of India for calling up the records relating to the impugned order in Rc.No.1736/A1/96 dated 18.4.98 of the Regional Transport Authority, East Godavari District at Kakinada and directing issue of stage carriage permit to the 3rd respondent to ply as town service on the route Santhinivas lodge, Kakinada to Gandhi statue, samalkota and to quash the same.

Third respondent made an application to the Regional Transport Authority, East Godavari at Kakinada for grant of pucca stage permit to ply as town service on the route Santhinagar Lodge, Kakinada to Samalkota Gandhi Statue (via) D.M.H.O. Office, Ontimamidi Junction, Atchutapuram Railway Gate, Gaigolupadu, Sarpavaram, Madhavapatnam, V.K.R.Puram and Samalkota Railway Level Crossing. The 2nd respondent by an order dated 18-04-1998 rejected the said application on the ground that the proposed route prohibits grant of permit, since the route overlaps by a distance of 0.3 kilometers on the notified route Machilipatnam to Visakhapatnam approved in G.O.Ms.No.782/72, whereas the conditions of the scheme does not allow any overlapping. Aggrieved by the same, 3rd respondent carried an appeal to the STAT. The STAT allowed the appeal filed by 3rd respondent and made clear that he shall take his vehicle only through Samalkot Railway level crossing but not over the railway over bridge and that he shall take turn of the vehicle at the point of

Santhinivas lodge only and shall not go further to touch notified route in G.O.Ms.No.782/72. With the above directions, the appeal filed by the 3rd respondent was allowed.

Having regard to the fact that the proposed draft scheme has already been lapsed, and there is no prohibition of the permit in view of the law declared in **APSRTC V. STATE TRANSPORT APPELLATE TRIBUNAL** [1], the order passed by the STAT does not suffer from any legal infirmity.

Accordingly, the Writ Petition is dismissed. No costs.

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(A. GOPAL REDDY, J)

June 28,2004
Mrr

Copy to

1. State Transport Appellate Tribunal,
   A.P., Hyderabad, rep. By it's Presiding Officer.
2. The Regional Transport Authority, East Godavari, Kakinada.
3. Two C.C. s to the G.P. for Transport, High Court Buildings, Hyderabad (OUT)
4. Two C.D. Copies.

[1] AIR 2001 A.P.335